

# **7 FAM 1540 APPLICATION AND VOTING PROCESS**

## **7 FAM 1541 DETERMINING STATE OF VOTING RESIDENCE**

(TL:CON-54; 5-19-93)

a. Registration as a voter is usually a prerequisite to casting a ballot. A person can register by completing an FPCA and mailing it to the *local election official having jurisdiction over the claimed place of U.S. residence. Mailing addresses for these officials are in the Voting Assistance Guide.*

b. A voting residence is usually the applicant's legal residence or domicile, *where the applicant could vote if living in the United States. To determine the applicant's voting residence, the factors set forth in the Guide should be considered. The final determination on voting residence, however, is generally up to local officials.*

## **7 FAM 1542 DETERMINING VOTER'S CITIZENSHIP**

(TL:CON-54; 5-19-93)

a. *Local election officials are responsible for determining whether an overseas applicant for a ballot is an eligible voter. The voting officer nevertheless should be reasonably satisfied that the person seeking voting assistance is a U.S. citizen. Ideally the person will meet the standards normally applied by the Department to establish such citizenship and/or will have such evidence as a U.S. passport or a Certificate of Naturalization. Other satisfactory proof of citizenship and identity sufficient to reasonably satisfy the voting officer that the person is a U.S. citizen may also be accepted, in view of the fact that the voting officer is not required to make a definitive judgment of voter eligibility.*

b. *When appropriate, to discourage false claims to citizenship, the voting officer may inform the person seeking voter information that, under 18 U.S.C. 608, as added by the Uniformed and Overseas Citizens Absentee Voting Act, a person who knowingly gives false information for the purposes of registering to vote shall be fined and imprisoned for up to 5 years. In addition, a person who makes false statements before an American consular officer is subject to penalties under 22 U.S.C 4221, including imprisonment and fines.*

c. If the voting officer knows that the applicant is not a U.S. citizen, *voting* and notarial services must be refused.

## **7 FAM 1543 COMPLETING FEDERAL POST CARD APPLICATION**

(TL:CON-54; 5-19-93)

a. A voter is not required to complete an FPCA in order to register, but doing so has been found to expedite the process. A voter is still free to write directly to the appropriate voting jurisdiction in the United States to request a registration form or ballot.

b. The FPCA, *if used*, should be typed or printed legibly in ink. The voter's return address should be entered in the designated places. A single form of post card application now serves all States [see 7 FAM 1533 Exhibit 1533 ]. *Some States require that an FPCA be submitted for each election in a calendar year.*

c. Many States do not require completion of all entries shown on the application, for example, height, weight, and race. This information need not be supplied unless specifically required by the voter's State. To learn which items must be completed, the voter should refer to the particular State requirements shown in Chapter 3 of the Voting Assistance Guide.

## **7 FAM 1544 NOTARIZING THE APPLICATION**

(TL:CON-54; 5-19-93)

*Some States require that the application be notarized. This can be performed by duly commissioned consular and diplomatic officers, foreign notaries, or others in the foreign country who are authorized to administer oaths, such as commissioners for oaths and peace commissioners. Some States will accept an application that has been notarized by local notaries or clerks of court without later authentication by the voting officer. Authentication of a local notary's signature is unnecessary. A number of States will accept an affirmation in lieu of notarization. Individual State requirements are given in the Voting Assistance Guide. The voting officers and all other diplomatic and consular officers perform notarial services required by a State without charge.*

## 7 FAM 1545 MAILING THE APPLICATION

(TL:CON-54; 5-19-93)

a. The FPCA is a U.S. postage paid card, providing it is mailed in *the United States or from an APO or FPO postal facility abroad*.

b. *If the post is served by an APO or FPO facility, the consular officer may accept the completed FPCA's for mailing through such facility.*

c. *If the post is not served by APO/FPO mail facilities, the consular office may accept the FPCA for mailing through the Department's diplomatic pouch. Transmission through the pouch often encounters serious delays before delivery to state officials, since the FPCA is first forwarded to Washington and from there sent to the addressee through the U.S. mail system.*

d. *Prospective voters may also mail the FPCA themselves by international air mail and must pay the postage. Sometimes this is the fastest way of having it reach state registration/voting officials.*

e. In many cases the FPCA must reach the election official by the date set for the close of registration, which is usually before the deadline for applying for a ballot. If the voter has mailed an application to the local voting official and after a reasonable time has received no reply, the voter should mail a second application.

## 7 FAM 1546 PROCESSING FEDERAL POST CARD APPLICATIONS BY LOCAL OFFICIALS

(TL:CON-54; 5-19-93)

a. Most States now accept the FPCA as both an application for registration and a request for a ballot. However, some States accept the FPCA as a registration request only, and a second FPCA must be mailed to the local election jurisdiction in order to request a ballot. Consult the Voting Assistance Guide to determine which States require a second FPCA.

b. Each voter registration and *ballot* request must be processed individually because of the multitude of variations in voting rules, deadlines, and filing dates among the States. It should not be assumed that the registration procedures followed by a State for one voter will apply for another voter in another jurisdiction. *Persons* who fail to meet the *residency requirements of a State* will be disqualified from voting. States also determine whether a person convicted of a felony or a misdemeanor can vote. In all cases, voter eligibility is determined by State election officials, not by the Department of State.

## 7 FAM 1547 COMPLETING THE BALLOT

(TL:CON-54; 5-19-93)

*The ballot will be sent directly to the voter.* If the home State requires that the ballot be marked in the presence of a specified person, care should be taken not to compromise the voter's right to complete the ballot in secret. Some States require that the ballot return envelope be witnessed and/or signed by a designated official; in such cases the voting or consular officer can usually sign the envelope as a witness.

## **7 FAM 1548 MAILING THE BALLOT**

(TL:CON-54; 5-19-93)

a. The completed ballot should be placed in the return envelope *provided by the State* (notarized when required) and mailed promptly to the specified election agency or official, *using the same procedures as in the mailing of the FCPA* [see § 7 FAM 1545 ].

b. *Voters should be advised to mail their ballots as far in advance as possible.* Sometimes the name and address on the return envelope is not that of the person or agency to which the completed ballot will be delivered. As a result, the local official (such as the election clerk) receiving the ballot may be required, in turn, to deliver the ballot to another legally specified official or agency (such as a local precinct official).

c. The marked ballot must be received by the local officials in a timely fashion. Some States count absentee ballots if they have been voted by the day of election and are received prior to a fixed number of days thereafter. In view of this, the voter should be urged to mail the ballot promptly even if it is believed that the ballot will arrive at the voting jurisdiction too late.

## **7 FAM 1549 NON-RECEIPT OF BALLOT**

(TL:CON-54; 5-19-93)

a. *Persons who report not having received a requested general election ballot from their home State or territory, for which they had applied, and who are anxious because time is running out for return of such ballot, may be eligible for the Federal Write-In Absentee Ballot. The FWAB must be received by the local election official not later than the deadline for receipt of regular absentee ballots under state law. As explained by the Voting Assistance Guide, the FWAB may be used when the:*

(1) *Requesting voter meets all the regular requirements for voting in the State of legal residence;*

(2) *Voter requested a regular State ballot early enough so that, after mailing, the request could be received by the appropriate local official in the United States at least 30 days before the election; and,*

(3) *Voter is overseas and has a foreign mailing address or an APO/FPO postmark.*

**NOTE:** *The State of Connecticut is not required to accept a FWAB.*

b. *Persons who believe they may have been denied registration and/or a ballot in violation of State or Federal law may write to the:*

*Federal Voting Assistance Program  
The Pentagon  
Room 1B47  
Washington, D.C. 20301-1155.*

*The FVAP provides an ombudsman who can be contacted free from most countries. Obtain instructions from the international operator in the United States on how to call from the host country. FVAP assistance is available during normal business hours, Eastern Standard Time, or you may leave a recorded message at other hours.*

*c. Persons who complain to voting officers concerning the non-receipt of acknowledgement of registration and/or absentee ballots should be directed to contact the ombudsman service provided by the Federal Voting Assistance Program, Department of Defense.*